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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PETER DELVECCHIA, individually and as
next friend of A.D., a Minor,

Plaintiffs,

v.

FRONTIER AIRLINES, INC.,
SCOTT WARREN, and REX SHUPE,

Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

**SEVENTH STIPULATED
MOTION TO EXTEND DEADLINES**

Plaintiffs Peter DelVecchia, individually and as next friend of A.D., a minor (collectively “Plaintiffs”), and Defendants Frontier Airlines, Inc. (“Frontier”), Scott Warren, and Rex Shupe (collectively “Defendants”), each by their undersigned counsel, hereby submit their **SEVENTH STIPULATED MOTION TO EXTEND DEADLINES**, seeking to extend the deadlines related to initial and rebuttal disclosure of experts, close of discovery, filing of dispositive motions, and filing of the joint proposed pretrial order as set forth in this Court’s August 23, 2021 Order (ECF No. 131) by approximately 180 days each.

Specifically, the Parties seek to extend these deadlines as follows:

1. Extend the deadline to disclose initial experts from March 23, 2022 to ***September 30, 2022***;
2. Extend the deadline to disclose rebuttal experts from April 27, 2022 to ***October 28, 2022***;
3. Extend the discovery cutoff date from May 25, 2022 to ***November 18, 2022***;
4. Extend the deadline to file dispositive motions from June 29, 2022 to ***December 30, 2022***;
- and
5. Extend the deadline to file the joint proposed pretrial order from July 27, 2022 to ***January 27, 2023***.

The Parties have made efforts to complete fact discovery in a reasonable time, despite the unprecedented obstacles imposed by the COVID-19 pandemic and related travel warnings and restrictions, staffing issues related to COVID-19, Frontier's extended process to produce thousands of pages of documents relating to prior incidents of alleged discrimination and human trafficking, which is now complete (the length of which was objected to by Plaintiffs), issues with obtaining approval from the Transportation Security Administration (TSA) to produce certain relevant documents that are designated Sensitive Security Information (SSI), and issues with medical providers failing to produce complete treatment records in a timely manner. Written and deposition discovery is ongoing, subpoenas for records have been, and continue to be, issued.

Plaintiffs have recently requested production of additional documents by Frontier that they believe will be necessary for conducting the Fed. R. Civ. P. 30(b)(6) deposition of Frontier, which deposition must be completed before expert disclosures. Those requests were served on February 22, 2022, making responses due by March 28, 2022. Plaintiffs also served at the same time requests for admissions that might obviate the need for certain testimony at the corporate deposition. The parties are in the process of

1 scheduling depositions of certain treaters, law enforcement officers, additional passenger witnesses, and
2 gate agents assigned to the subject flight.

3 Additionally, counsel for the parties have met and conferred on several occasions regarding certain
4 objections to discovery and believe that motions will need to be filed to resolve some of their disputes.
5 Rulings on those motions will be necessary to complete discovery. Those disputes pertain to, *inter alia*, a
6 request by Frontier for a Rule 35 examination of Plaintiff A.D., the removal of certain redactions made on
7 documents produced by Frontier, Plaintiffs' request to contact passengers who previously filed race
8 discrimination complaints against Frontier, a motion by Plaintiffs seeking leave to take continued
9 depositions of Defendants Shupe and Warren based on the fact that the details of certain protocols to which
10 they both testified in 2019 were not produced by Frontier until 2021, and both have submitted interrogatory
11 answers claiming that they received certain training prior to 2019 that was not included in their 2019
12 testimony, and a possible motion based on *Hickman v. Taylor*, 329 U.S. 495 (1947), to compel production
13 of portions of the notes of defense counsel's interview with certain witnesses based on substantial
14 need/undue hardship. Additionally, Defendants may be required to file a motion seeking an order to show
15 cause with the U.S. District Court for the Eastern District of North Carolina related to records sought (via
16 subpoena) from a particular medical provider but not yet produced. Thus, an extension of deadlines is
17 necessary.
18

19 Despite the Parties' best efforts, additional time is needed to complete fact and expert discovery.
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21 Although the Parties are working as expeditiously and as cooperatively as possible, the breadth and scope
22 of discovery being conducted in this case and the above-discussed disputes have slowed their progress such
23 that more time is required. This is the seventh motion for a continuance of pretrial deadlines filed in this
24 case.
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1 DATED this 3rd day of March, 2022.

Respectfully submitted,

3
4 /s/ Brian T. Maye

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17
18 /s/ John D. McKay

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26 ***Attorneys for Plaintiffs Peter DelVecchia &***
27 ***A.D., a Minor***

CERTIFICATE OF SERVICE

Pursuant to LR IC 4-1, I hereby certify that on the 3rd day of March, 2022, the foregoing **SEVENTH STIPULATED MOTION TO EXTEND DEADLINES** was served upon the following counsel of record *by email only*:

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/s/ John D. McKay
John D. McKay
Attorney for Plaintiffs

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: _____